REMARKS

The Office Action dated 14 March 2008 has been fully considered by the Applicant.

Claim 1 has been canceled. Claims 2, 4-5, 9, 15-16 have been currently amended. Claims 3, 6-8, 10-11, 13-14, and 17 have been previously presented. Claims 1 and 12 have been canceled. Claim 18 is new.

Claims 1, 4-11, 13-16 have been rejected under 35 USC §103(a) as being unpatentable over United States Patent No. 5,995,155 to Schindler et al in view of United States Patent 5,740,466 to Geldman et al in further view of United States Patent No. 5,754,651 to Blatter et al. Reconsideration of the rejection is respectfully requested.

Claim 1 has been currently canceled. Claims 4-11, 13-15 depend upon new independent claim 18.

Independent claim 16 has been currently amended to provide for a receiver for digital data having as a part thereof a control system for the control of the storage means and the storage of data therein. The storage means includes a single first-in-first-out buffer including commands for the control system that are used to automate the bulk transfer of the data to and from the storage means. The commands for the control of the bulk transfer of data are intermixed with commands for control of the storage of data in the storage means which include read/write instructions and with identification data for a user selected program having video, audio and/or auxiliary data generated from the digital data broadcast from a remote location.

None of the cited references combined or taken alone teach or suggest Applicant's single first-in-first-out buffer which receives (a) commands for control of the bulk transfer of data; (b) commands for the control of the storage means which include read/write instruction and (c) identification data for selected

programs having video, audio and/or auxiliary data all in the single buffer.

In addition, none of cited references teach or suggest how the two different type of commands (i.e. read/write commands for control of storage and control system commands for bulk transfer of data) and the program data can be intermixed within the same buffer. Therefore, Applicant sincerely believes that currently amended claim 16 is novel.

Applicant respectfully reminds the Examiner as stated in the MPEP 2143.03 that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art.

The '466 Geldman et al patent discloses a buffer capable of receiving simple instructions, that is, read ahead and hold only consecutive instruction bytes for the transfer of bulk data only.

Examiner Vent states on Page 5 of the Office Action that Blatter et al discloses a processing of storage of digital data wherein the storage is based on classification of specific data. Applicant would like to point out that it is precisely because of the need to classify the data, that the Blatter et al patent teaches that more than one buffer is required to accommodate the different types of classified data and that, therefore, Blatter et al teaches away from Applicant's invention of intermixing various types of data in one single FIFO buffer.

Blatter et al discloses how the different types of data is managed as stated in Col 5, lines 35-55: "Unit 60 contains four packet buffers accessible by controller 115. One of the buffers is assigned to hold data destined for use by controller 115 and the other three buffers are assigned to hold packets that are destined for use by the application devices."

And Blatter further describes the use of the different buffers as set forth at Col 6, line 23-35 as follows:

> "Packets received by decoder 55 from units 45 and 50 that contain program contending including audio, video, caption, and other information, are directed by unit 65 from decoder 55 to the designated application device buffers in packet buffer 60. Application control unit 70 sequentially retrieves the audio, video, caption and other data from the designated buffers in buffer 60 and provides the data to corresponding application devices 75, 80 and 85."

Applicant's invention teaches away from the need to classify the various types of data as is taught in the Blatter et al patent. Applicant has solved the problem of how to manage the storage of different types of data by the use of one FIFO buffer.

In Applicant's invention no classification of data is required since both the commands for control of the bulk transfer of data and the commands for the control of the storage means which include read/write instruction and the actual identification data for the programs are all three received and intermixed within a single FIFO buffer.

It is difficult to see how a person skilled in the art could arrive at Applicant's invention by combining the teachings of the use of multiple buffers to accommodate different types of classified data as taught in the Blatter et al patent with the use of a buffer that merely holds instructions for use of the storage of data as set forth in the Gelman et al patent. How would this combination result in a user solving the problem of management of different types of data in a single buffer? A person could only recreate the Blatter solution of the use of multiple buffers since there is nothing to teach or suggest that the data doesn't require classification.

The Blatter et al patent teaches that the certain types of data, such as, the identification data for

selected program having video, audio and/or auxiliary data (packets that are destined for use by application devices 75, 80 and 85), is to be assigned to one of three non-controller-destined buffers in unit 60. The data that is assigned to which of the three buffers depends upon the type of data, that is, the audio data would be assigned to one buffer within buffer unit 60 that is in communication with the application interface 70 that would, in turn, be in communication with audio decoder 80. The data for video would be assigned to one of the three non-controller-destined buffers that is in direct communication with the application interface 70 that would, in turn, be in communication with the video decoder 85.

Nowhere in the Blatter/Schlinder/Geldman/Schlinder combination is Applicant's teaching of how to manage different types of data in a unified manner, as in Applicant's invention. Applicant teaches how to combine all of the various types of data (register read/write commands for storage of data; control system commands for bulk transfer of data; and identification data for selected programs having video/audio and/or auxiliary data) into a single FIFO buffer wherein they are intermixed.

A combination of the cited references can only lead a person skilled in the art to approach the problem of managing separately the different types of data in a way that best suits the characteristics of each different data type. It is much more difficult to find a way to unify differences, as taught in Applicant's invention, than it is to manage each difference in a separate manner, as is taught in the cited references.

Therefore, Applicant respectfully disagrees with the Examiner's rejection of the aforestated claims under 35 USC 103(a). Absent some suggestion or motivation supporting the combination of references, the references may not properly be combined. "The mere fact that references *can* be combined or modified does not render the resulting combination obvious unless the prior art suggests the desirability

of the combination". M.P.E.P. Section 2143.01 (Emphasis in original). Accordingly, Applicant respectfully submits that claims 16, 17 are allowable over the art of record.

Applicant sincerely believes that currently amended claim 16, along with dependent claim 17, is not taught or suggested in the cited references taken alone or in combination and, therefore, reconsideration of the rejection is respectfully requested.

Claims 2 and 3 have been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 5,995,155 to Schlinder et al in view of United States Patent No. 5,740,466 to Geldman et al in further view of United States Patent No. 5,754,651 to Blatter et al and in further view of United States Patent No. 4,166,289 to Murtha et al. Reconsideration of the rejection is requested.

Claim 2 has been currently amended to depend upon new independent claim 18 and claim 3 depends upon currently amended claim 2. Applicant believes that dependent claims 2 and 3 are novel over the cited references as stated below.

New claim 18 is provides for a receiver for digital data broadcast from a remote location. The receiver comprises (a) a storage means for the selective storage of digital data broadcast from a remote location therein and (b)a control system for control of the storage means and control of storage of data therein. The control system includes a single "first in first out" (FIFO) buffer being capable of receiving generic instructions. The single FIFO buffer further receives (a) register read and write commands for the control of storage of the digital data in the storage means; (b) identification data for a user selected program having video, audio, and/or auxiliary data generated from the digital data broadcast from a remote location; and (d) control system commands for automating the bulk transfer of the digital data to and from the storage means. Within the single first-in-first-out buffer, the control commands for the

control system are compatible and intermixible with the register read and write commands for the control of storage and with the identification data for user selected programs.

None of the cited references combined or taken alone teach or suggest Applicant's single first-in-first-out buffer which receives (a) commands for control of the bulk transfer of data; (b) commands for the control of the storage means which include read/write instruction and (c) identification data for selected programs having video, audio and/or auxiliary data all in the single buffer.

In addition, none of cited references teach or suggest how the two different type of data commands and the actual program data can be intermixed within the same buffer. Therefore, Applicant sincerely believes that new claim 18 novel over the cited references and respectfully requests reconsideration of the rejection.

The '466 Geldman et al patent discloses a buffer capable of receiving simple instructions, that is, read ahead and hold only consecutive instruction bytes for the transfer of bulk data only.

Examiner Vent states on Page of the Office Action that Blatter et al discloses a processing of storage of digital data wherein the storage is based on classification of specific data. Applicant would like to point out that it is precisely because of the need to classify the data, that the Blatter et al patent teaches that more than one buffer is required to accommodate the different types of classified data and that, therefore, Blatter et al teaches away from Applicant's invention of intermixing various types of data in one single FIFO buffer.

Blatter et al discloses how the different types of data is managed as stated in Col 5, lines 35-55: "Unit 60 contains four packet buffers accessible by controller 115. One of the buffers is assigned to hold data destined for use by controller 115 and the other three buffers are assigned to hold packets that are

destined for use by the application devices."

And further describes the use of the different buffers as set forth at Col 6, line 23-35 as follows:

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Applicant's invention teaches away from the need to classify the various types of data as is taught in the Blatter et al patent. Applicant has solved the problem of how to manage the storage of different types of data by the use of one FIFO buffer.

In Applicant's invention no classification of data is required since both the commands for control of the bulk transfer of data and the commands for the control of the storage means which include read/write instruction and the actual identification data for the programs are all three received and intermixed within a single FIFO buffer.

It is difficult to see how a person skilled in the art could arrive at Applicant's invention by combining the teachings of the use of multiple buffers to accommodate different types of classified data as taught in the Blatter et al patent with the use of a buffer that merely holds instructions for use of the storage of data as set forth in the Gelman et al patent. How would this combination result in a user solving the problem of management of different types of data in a single buffer? A person could only recreate the Blatter solution of the use of multiple buffers since there is nothing to teach or suggest that the data doesn't require classification.

The Blatter et al patent teaches that the certain types of data, such as, the identification data for

selected program having video, audio and/or auxiliary data (packets that are destined for use by application devices 75, 80 and 85), is to be assigned to one of three non-controller-destined buffers in unit 60. The data that is assigned to which of the three buffers depends upon the type of data, that is, the audio data would be assigned to one buffer within buffer unit 60 that is in communication with the application interface 70 that would, in turn, be in communication with audio decoder 80. The data for video would be assigned to one of the three non-controller-destined buffers that is in direct communication with the application interface 70 that would, in turn, be in communication with the video decoder 85.

Nowhere in the Blatter/Schlinder/Geldman/Schlinder combination is Applicant's teaching of how to manage different types of data in a unified manner, as in Applicant's invention. Applicant teaches how to combine all of the various types of data (register read/write commands for storage of data; control system commands for bulk transfer of data; and identification data for selected programs having video/audio and/or auxiliary data) into a single FIFO buffer wherein they are intermixed.

A combination of the cited references can only lead a person skilled in the art to approach the problem of managing separately the different types of data in a way that best suits the characteristics of each different data type. It is much more difficult to find a way to unify differences, as taught in Applicant's invention, than it is to manage each difference in a separate manner, as is taught in the cited references.

It is believed that the foregoing is fully responsive to the Office Action. If any issues remain, a telephone conference with the Examiner is requested. If any fees are associated with this action, please

charge Account No. 08-1500.

Respectfully submitted,

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